

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STEVEN GOODMAN, Individually and on
Behalf of All Other Persons Similarly Situated,
Plaintiff,

-against-

BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION,
BURLINGTON COAT FACTORY
INVESTMENT HOLDINGS, INC., and
BURLINGTON COAT FACTORY
HOLDINGS, INC.,
Defendants.

CIVIL ACTION: 11-CV-4395 (JHR)

**DECLARATION OF FELIX JULIENNE
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION
FOR CONDITIONAL CERTIFICATION**

I, Felix Julianne, declare:

1. I have personal knowledge of the matters contained in this declaration, except where such facts are stated to be based on information and belief, and those facts I believe to be true. If called to testify to the matters set forth in this declaration, I could do so competently.
2. I understand that the Plaintiff in this case is seeking to represent current and former Burlington Coat Factory ("BCF") employees. I understand that the attorney who interviewed me and assisted in preparing this declaration for me represents BCF and does not represent my personal interests. I am making this statement voluntarily and without coercion.
3. I am currently the Store Manager for BCF's retail store in Boynton Beach, Florida. I have held this position since around March 2012. Prior to March 2012, I worked as a Merchandising Assistant Store Manager ("MASM") at BCF's retail store in Lauderdale Lakes, Florida. I held that position since I started my employment with BCF in or around January 2011.
4. The Boynton Beach store does around \$7.5 million in annual sales volume and we typically have approximately 85-90 employees on staff, including managers. Our store is located in a strip center. It is not a very big store and, in fact, does not have a baby depot or linens department like other BCF stores do. Our typical customers fall into three rough categories: in the mornings, we see a lot of senior members of the local community; in the afternoon,

professionals come in to shop at the end of their work day; at night, we have a lot of younger shoppers who tend to shop the brand name products. Generally speaking, our customer base is middle class. The Lauderdale Lakes store where I previously worked was a much larger store, as it did around \$13 million in annual sales volume and had anywhere from 135 to 150 employees. It was located not far from the beach, which contributed to the store's customer traffic.

5. The management structure at the Boynton Beach store is made up of the Store Manager, one Customer Service Logistics Manager ("CSLM"), and two Merchandising Assistant Store Managers ("MASM"). In addition, a Receiving Supervisor and one Customer Service Supervisors ("CSS"), work in this store. The Receiving Supervisor and CSS are hourly employees who report directly to the CSLM. This has been the management structure at the store since I started working here. The Lauderdale Lakes store had a similar management structure, but because it was a much larger store, there were three MASMs.

6. I have always understood that BCF expects that the primary duty of the CSLM and MASM is to manage, coach and delegate to their staff to make sure projects are completed, various tasks get done, and that customer service and presentation of the sales floor meet expectations. Each of these managers is expected to manage employees, not to just be another hourly associate performing work. These managers also draft evaluations for all the associates and supervisors who directly report to them. They also manage the performance of their associates by disciplining them regarding any policy violations or attendance issues. Managers are very involved in the training, development, evaluation and discipline of all the hourly employees in the store. In addition, when I am not present in the store, the CSLM or MASMs must act as Store Manager and are responsible for the entire store. As Store Manager, I encourage my managers to take ownership of the sales floor, to develop their own management style and to improve their leadership skills; I allow them to work independently and exercise discretion with respect to their direct reports. I hold them accountable for their respective areas of responsibility. When I was an MASM at the Lauderdale Lakes store, my Store Manager had a

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similar management style, which I believe contributed to my development as an effective manager.

7. The MASMs in this store are in charge of managing the team that processes freight and gets the products out to the sales floor, as well as the team that performs markdowns on merchandise. Their job is not to do the work themselves, but rather to provide direction and feedback to the associates who fill in the racks and shelves with merchandise and keep the sales floor clean. They observe the sales associates working in their departments and coach them on their customer service skills. The MASMs spend approximately 85% of their time on the sales floor, coaching associates and monitoring them so that all assigned tasks, including recovery and markdowns, are completed in a timely and efficient manner. When I was an MASM in the Lauderdale Lakes store, I similarly managed and supervised associates on the sales floor and was responsible for the merchandising and markdown teams. I also coached and trained my direct reports to ensure that all of their assigned tasks and projects were getting done by my deadlines.

8. Although MASMs occasionally perform recovery (*i.e.*, put merchandise back in its proper place) or assist associates in changing displays or other presentation of merchandise, this is generally a very minor part of their day. I observe that my MASMs use the changing of a display to as an opportunity to actively coach and train the associates to teach them the proper way to do the task. In other words, the MASMs lead by example and use every opportunity as a learning experience that can help their associates develop. The MASMs are not expected to simply perform tasks that a sales associate can perform. If an MASM helps out with a task, the MASM is expected to – and does – act as a manager in overseeing the process. In fact, on the few occasions I personally performed recovery or stocked shelves as an MASM in the Lauderdale Lakes store, I found an associate to work with me so I could show him or her what to do and how to do it, then delegated the task to that associate and followed up later. I was never expected to stock shelves or perform recovery myself; this is not what I was hired to do.

9. The CSLM here in Boynton Beach is responsible for the overall customer service experience in the store. This means that the CSLM coaches and trains associates on the sales

floor and cashiers on how to provide good customer service. The CSLM in this store spends approximately 10-15% of the time managing the receiving area in the back of the store and 30% of the time managing cashiers in the front of the store. The remaining percentage of the CSLM's time is spent on office work and other administrative tasks like hiring, scheduling, and payroll. These percentages vary depending on the needs of the store day to day. Compared with the MASMs, the CSLM's role involves more administrative tasks and paperwork, so the CSLM spends more time in the office than the MASMs.

10. The time the CSLM spends in the front end area is dedicated to coaching, managing and observing the CSSs and cashiers. There is no company policy or direction from regional management that requires the CSLM to spend any certain amount of time in the front of the store. The CSSs are empowered to handle any issues that arise in the front end (*e.g.*, missing tags, voids, overrides), so the CSLM's role is to coach, manage and monitor the front end. The CSLM is not expected to perform any type of tasks like ringing the registers or other similar tasks meant for the cashiers. In fact, as Store Manager, I advise my managers that ringing on the register impedes their ability to manage and maintain control of their areas and the store. With respect to the back end of the store, the CSLM manages the Receiving Supervisor and associates who unload freight and unpack boxes of merchandise that is to be put out on the floor. The CSLM makes sure that there is proper staffing in the receiving area and is in charge of delegating and managing the work there; the CSLM is not expected to physically move freight from receiving to the sales floor.

11. In addition to the duties described above, the CSLM and MASMs in this store participate in hiring prospective employees for the store. The CSLM and MASMs review applications, determine who to interview, conduct interviews, and then make recommendations to me as the Store Manager as to who to hire. I occasionally meet with candidates and may ask some questions, but I usually accept the manager's hiring recommendations. As an MASM in the Lauderdale Lakes store, I was also involved in the hiring process; I conducted the first level interview with the applicant and, if the applicant seemed acceptable, I would introduce him or

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her to the Store Manager. The Store Manager at the Lauderdale Lakes store liked to meet the candidates, even though she accepted my hiring recommendations at least 85% of the time.

12. Here in Boynton Beach, I hold weekly management and workload planning meetings with my managers to go over the last week's sales reports and projects and to create an action plan for the coming week. During these meetings we discuss projects and promotions that are coming up, as well as any new initiatives or procedures that are being implemented in the store. We also talk about any associate issues that have arisen and ways to improve to the store. As Store Manager, I encourage my managers to interact with regional management and representatives from BCF's corporate departments when they visit our store.

13. The CSLM and MASMs also take turns being the Manager on Duty ("MOD") for a certain period of time (usually for several hours) during days they work. As the MOD, the manager is responsible for running the entire store. The MOD is the main point of contact for all associates in the store and must handle any and all customer and associate issues that may arise during that time. As the MOD, the manager is expected to make decisions and use his or her judgment to handle whatever issues arise. For example, if we have an unhappy customer trying to return merchandise that is outside of the return policy, the MOD is called and expected to resolve it. If an associate calls in sick, then the MOD is expected to figure out how to rearrange the coverage so that we can still complete the project or provide service to customers. The MOD does not have to check in with me or anyone else in making decisions about customer and associate issues. That is their job and they just do it.


14. In addition to being MOD, the CSLM and MASMs have the additional responsibility of opening and closing the store each day. A manager will open the store alone and close the store alone several times per week. During these times, the manager is the sole manager in the store and is therefore responsible for running the entire store. In the Lauderdale Lakes store where I was an MASM, I would open the store alone 3 times per week and closed the store 2 times per week; during those times, I was the point person for all associates in the

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store and had to handle any and all issues – whether customer, facilities, or associate related – that arose.

15. It is certainly not true in my store that the CSLM or MASMs have as a primary duty the work of hourly associates. Instead, they are expected and paid to manage employees and oversee the store. Even in the rare instances when managers perform work side by side with their associates, they are actively training and coaching and teaching associates about company policies and the proper way to do the work, to help the associates' development. The same held true in the Lauderdale Lakes store. As MASM, I understood that my primary job duty was to manage the employees who reported to me, and to oversee all associates as well as the entire store. That is what I did.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Boynton Beach, Florida on JUNE 11, 2012.


Felix Julianne

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